

App. Serial No. 10/562,075
Docket No.: DE 030213 US1

Remarks

Claims 1-2 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated June 22, 2006 indicated that the specification was objected to, the drawings were objected to, and listed one statutory rejection, specifically that claims 1-2 stand rejected under 35 U.S.C. §102(b) over Kohlas (U.S. 3,931,502).

Applicant has amended claims 1-2 to remove the letter "f" in connection with the first mention of a function. The amendments are not being made to overcome any issues of patentability raised by the rejections in the Office Action.

Regarding the objection to the specification as indicated at section 1, subparagraph 1 on page 2 of the Office Action, Applicant has deleted the objected to text and requests that the objection be removed.

Regarding the Office Action's request to add headings, Applicant respectfully declines because the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

In view of the above, Applicant prefers not to add section headings.

Regarding the objection to the Drawings, the Figure depicts merely one example embodiment of the claimed invention and, as such, need not correspond exactly to what is claimed. Moreover, this illustration (and discussed) embodiment supports the claims. The related aspects of the specification, with the Figure, discuss an example where the

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two values differ from the value of the function for the reference voltage in the same positive direction, a pass signal is indicated (see, e.g., page 3, lines 7-11). Contrary to the assertion in the Office Action (see, e.g., page 2, section 2), the figure does show that a fail signal is passed when the signs of the signals are different. When the sign of either of the two values differs from the value of the function for the reference voltage in the negative direction, a n (or a 1) is sent to the OR circuit which then passes on a fail signal (see, e.g., Figure and page 3, lines 12-15). Therefore, Applicant requests that the objection to the Figure be removed.

Applicant respectfully traverses the Section 102(b) rejections of claims 1 and 2, because the cited portions of the Kohlas reference fail to correspond to all of the claimed limitations. The Office Action fails to cite any portion of the Kohlas reference that corresponds to claimed limitations directed to the values of the function are determined in succession for the reference voltage and for two further test voltages, and these values are compared with one another. The Kohlas reference teaches comparing the gradients of two points on a line to determine if they have different signs; if the signs are different it indicates that there is a point of failure somewhere between the two points (see, e.g., col. 8, lines 7-37 and Abstract). The Office Action incorrectly equates this point of failure X_f (see, e.g., Fig. 5) with the reference voltage of the claimed invention. The Kohlas reference merely compares the gradients of two points on a line in order to find a point of failure (see, e.g., col. 8, lines 33-37). Thus, the values of a function at the point of failure and the two points are not compared to each other as in the claimed invention. The purpose of the Kohlas reference is to find the point of failure; therefore, it can not compare the value of a function at the point of failure to other values since it does not know the location of the point of failure. Accordingly, the Section 102(b) rejections of claims 1 and 2 are improper and Applicant requests that they be withdrawn.

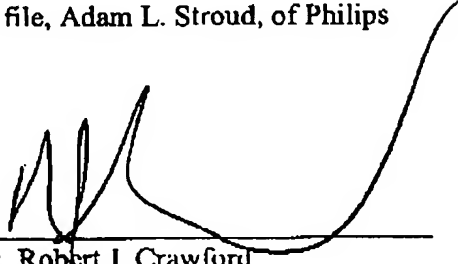
Applicant has added new claims 3-4 which are fully supported by the original disclosure (see, e.g., page 1, line 3 to page 2, line 13), and largely correspond to the subject matter of claim 1 with the specific addition of a Built-In Self Test circuit. Applicant submits that the new claims are patentably distinguishable over the cited references for the same reasons discussed above relating to the Section 102(b) rejections of claims 1 and 2. Therefore, Applicant requests that the new claims be allowed.

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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, Adam L. Stroud, of Philips Corporation at (408) 474-9064.

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